

RESOLUTION NO. 16-__

RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO APPROVING THE SERVICE PLAN FOR THE LOST CREEK FARM METROPOLITAN DISTRICT; AND, AUTHORIZING THE TOWN OF ERIE, COLORADO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ERIE AND THE LOST CREEK FARM METROPOLITAN DISTRICT, ENSURING COMPLIANCE WITH THE APPROVED SERVICE PLAN AND THE ERIE MUNICIPAL CODE; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID INTERGOVERNMENTAL AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, §32-1-204.5, C.R.S. provides that no special district shall be organized within the boundaries of the Town of Erie (the “Town”) except upon adoption of a resolution of the Board of Trustees (the “Board”) approving the Service Plan of the proposed special district; and

WHEREAS, a service plan dated March 7, 2016, has been submitted to the Board for the Brennan Metropolitan District (the “District”) in compliance with § 32-1-204.5 (the “Service Plan”); and

WHEREAS, the Service Plan has been submitted to the Board for the District in compliance with Title 9, Chapter 7, “Special Districts,” of the Town’s Municipal Code; and

WHEREAS, the territory of the proposed District is located wholly within the boundaries of the Town; and

WHEREAS, adequate notice of a public hearing of the Board to review the Service Plan has been given; and

WHEREAS, following the required notice the Board has conducted a public hearing on the Service Plan for the District and has made certain findings; and

WHEREAS, Section 9-4-6 of the Code of Ordinances of the Town (“Code”) requires that the District enter into an intergovernmental agreement with the Town regarding the enforcement of the Town Code provisions and the provisions of the Plan (“Intergovernmental Agreement”); and,

WHEREAS, the Board of Trustees of the Town believes it is in the best interest of the Town to approve the Service Plan and to enter into such Intergovernmental Agreement with the District.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO:

Section 1. The Board makes the following findings:

1. The Board has jurisdiction to hear this matter.
2. The evidence presented at the public hearing held before the Board is satisfactory to show the following:
 - a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.
 - b. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.
 - c. The proposed special district is capable of providing economical and sufficient service to the areas within its proposed boundaries.
 - d. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 2. The Service Plan for the District is hereby approved. Nothing herein limits the Town's powers with respect to the District, the property within the District, or the improvements to be constructed by the District. The Town's findings are based solely upon the evidence in the Service Plan and such other evidence presented at the public hearing, and the Town has not conducted any independent investigation of the evidence. The Town makes no guarantee as to the financial viability of the District or the achievability of the results.

Section 3. That the Intergovernmental Agreement between the Town and the District, a copy of which is attached hereto and incorporated herein by reference, is found to be a reasonable and acceptable agreement for enforcement of the Town Code provisions and the provisions of the Plan.

Section 4. That the Town be and is hereby authorized and directed to enter into the Intergovernmental Agreement, and the appropriate Town officers are hereby authorized and directed to sign and bind the Town to said Intergovernmental Agreement.

Section 5. That entering into the Intergovernmental Agreement is found to be in the best interest of the Town, and necessary for the preservation of the public health and safety.

**ADOPTED AND APPROVED THIS 22ND DAY OF MARCH, 2016, BY THE
BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.**

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy J. Parker, CMC, Town Clerk